

**ZONING BOARD OF APPEALS  
MEETING MINUTES**

**JUNE 6, 2005**

**PRESENT:** Mary Cardin, Kenneth Braga (arr. 7:12 p.m.), Adam LaFleche, Duane Zahner, Mark Spurling and Alternate Robert Wambolt

**ABSENT:** Robert Palozej and Alternate Joseph Snyder

**STAFF**

**PRESENT:** Reanna Goodreau, Recording Secretary

**I. CALL TO ORDER:**

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:08 p.m. at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS: NONE**

**III. PUBLIC HEARINGS:**

**THE COMMISSION WENT OUT OF AGENDA ORDER.**

3. #V200510—Denise & Mikaele Anamani for variances to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule & Section 5.3g Additional Yard Requirements: to reduce the front yard setback (West Shore Road) from 35 feet to 23 feet, to reduce the front yard setback (Route 30) from 60 feet to 30 feet and to reduce side yard setback from 10 feet to 3 feet for a 12' x 16' deck on property located at 160 West Shore Road, APN 169-025-0000 in a LR Zone.

**TIME:** 7:09 p.m.

**SEATED:** A. LaFleche, M. Cardin, M. Spurling, K. Braga, R. Wambolt and D. Zahner

Denise Anamani came forward to explain the request. She submitted photographs of the property. Chairman Cardin asked if the deck could be moved behind the home and was told that the property slopes and there is ledge. She also noted that there is a parking area on the other side of the home.

**MOVED (SPURLING), SECONDED (LAFLECHE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200510—DENISE & MIKAELE ANAMANI.**

The commissioners discussed the request and many had concerns that the deck was proposed too close to the property. By consensus, the commission agreed they felt more comfortable with having the deck 5 feet from the property line.

**MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE WITH MODIFICATION #V200510—DENISE & MIKAELE ANAMANI.**

**MODIFICATION: DECK MUST BE AT LEAST 5 FEET FROM SIDE PROPERTY LINE (NOT 3 FEET AS REQUESTED).**

**HARDSHIP: TOPOGRAPHY, LEDGE & LOT CONFIGURATION**

1. #V200507—Richard Montovani for variances to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule: to reduce the front yard setback from 35 feet to 15 feet and increase building coverage from 20% to 25.9% for construction of a house on property located at 6 Lake Lane, APN 149-057-0000 in a LR Zone

**TIME:** 7:23 p.m.

**SEATED:** A. LaFleche, M. Cardin, M. Spurling, K. Braga, R. Wambolt and D. Zahner

Dana Steele, J.R. Russo & Associates, came forward to present the application. He noted that his associate had done a complete presentation at the last meeting, but he wanted to review for the commission. Mr. Steele explained that there is an existing home that is going to be demolished in order construct a new home. The proposed home will maintain the existing front yard setback. The building coverage will increase approximately 2%.

**MOVED (SPURLING), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200507—RICHARD MONTOVANI.**

**MOVED (SPURLING), SECONDED (BRAGA) AND PASSED (NAY: SPURLING) TO APPROVE #V200507—RICHARD MONTOVANI.**

**HARDSHIP: LOT SIZE & CONFIGURATION**

4. #V200511—Paris & Dawn Sideris for variances to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule & Section 5.3a Variations in Yard Requirements: to reduce the front yard setback (Lyons Street) from 35 feet to 18 feet and to reduce the front yard setback (Fairview Avenue) from 35 feet to 27 feet for a 22' x 8' addition on property located at 15 Fairview Avenue, APN 019-139-0000 in an A Zone.

**TIME:** 7:38 p.m.

**SEATED:** A. LaFleche, M. Cardin, M. Spurling, K. Braga, R. Wambolt and D. Zahner

Dawn Sideris came forward to explain the request. She handed out a floor plan and pictures of the home. She stated that the addition could only be constructed in the proposed location because of its use as a mudroom and there is a hill on the other side of the home.

**MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200511—PARIS & DAWN SIDERIS.**

**MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE #V200511—PARIS & DAWN SIDERIS.**

**HARDSHIP: NO FURTHER ENCROACHMENT INTO SETBACK ALONG FAIRVIEW AVENUE, NO OTHER LOCATION FOR ADDITION, COMPATIBLE WITH NEIGHBORHOOD**

5. #V200512—David & Susan Gilson for a use variance to Ellington Zoning Regulations, Section 4.10a IP-Industrial Park Zone & Section 6.1 Nonconforming Uses of Land & Structures: to allow a 28' x 24' garage attached to a 6' x 19.5' mudroom addition for residential use on property located at 109 Windermere Avenue, APN 017-009-0000 in an IP Zone.

**TIME:** 7:46 p.m.

**SEATED:** A. LaFleche, M. Cardin, M. Spurling, K. Braga, R. Wambolt and D. Zahner

Susan Gilson came forward to explain the request. She stated that they need a use variance to allow them to construct a two-car garage and mudroom addition. She noted that there are no setback requests. Chairman Cardin asked if there was currently a garage on the property and was told no.

**MOVED (SPURLING), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200512—DAVID & SUSAN GILSON.**

**MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED (ABSTAINED: CARDIN) TO APPROVE #V200512—DAVID & SUSAN GILSON.**

**HARDSHIP: HOUSE BUILT PRIOR TO ZONING**

6. #V200513—Frank & Victoria Randall for variances to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule: to reduce the front yard setback from 35 feet to 26 feet and to reduce the side yard setback from 10 feet to 9 feet for a 32' x 18' addition on property located at 31 Glenwood Road, APN 071-023-0000 in an A Zone.

**TIME:** 7:53 p.m.

**SEATED:** A. LaFleche, M. Cardin, M. Spurling, K. Braga, R. Wambolt and D. Zahner

Dana Steele, J.R. Russo and Associates, came forward to explain the request. He stated that the owners were requesting a front yard and side yard setback for a garage with living space above. He noted that the side yard setback variance was only for a roof overhang. Due to space constraints, they are only proposing a one-car garage. The commission members asked where the access to the room above was and was told that it was within the garage. Chairman Cardin asked why the garage couldn't be moved back and Frank Randall responded that considerable fill would be required and it is close to the septic system. The commission expressed their concerns that the hardship was self-created for the front yard setback. They requested that the owner bring in additional information for their review.

**MOVED (SPURLING), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING FOR #V200513—FRANK & VICTORIA RANDALL TO THE JULY 11, 2005 MEETING.**

7. #V200514—Glenn Bahler for a variance to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule: to reduce the front yard setback from 35 feet to 14 feet for a 37' x 7' front porch on property located at 48 Meadowbrook Road, APN 091-002-0000 in an RA Zone.

**TIME:** 8:07 p.m.

**SEATED:** A. LaFleche, M. Cardin, M. Spurling, K. Braga, R. Wambolt and D. Zahner

Erica Bahler came forward to explain the request. She noted that the existing structure has rotten and they would like to replace the "roof" that is over the foundation with a porch. Mrs. Bahler explained that the overhang from the roof would be the only further encroachment into the front yard setback since the foundation is existing at 15 feet from the front property line.

**MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200514—GLENN BAHLER.**

**MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE #V200514—GLENN BAHLER.**

#### **HARDSHIP: EXISTING FOUNDATION PREDATES ZONING**

1. #V200509—FWL Enterprises, LLC for variances to Ellington Zoning Regulations, Section 7.7b(6)(a)(2) Detached Signs Permitted in C, PC, I, & IP Zones, Section 7.7d1(b) Minimum Parking & Loading Space Requirements, Section 7.7d2(e) Description of Parking Facilities, Section 7.7d5(a)&(c) Location of Parking Facilities, Section 7.7d7(b)

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Landscaping & Lighting: to allow existing detached sign within 11 feet of property line (required 15 feet); to not be required to comply with minimum parking & loading space, landscaping &

lighting requirements for the new construction; to allow parking spaces that are 9 feet by 18 feet for parking spaces that are at 90 degrees (required 10 feet by 18 feet); to allow parking within 12 feet of a commercial structure (required 20 feet separation) & to allow parking within 20 feet of the front property line (required 30 feet); to allow interior landscaping at 12% (required 15%); for construction of four self-storage buildings, construction of a 1,500 sq. ft. one-story commercial building, construction of a 1,320 two-story commercial building and associated improvements and changes to existing restaurant/bar on property located at 117 Stafford Road, APN 148-087-0000 in a C Zone.

**TIME:** 8:15 p.m.

**SEATED:** A. LaFleche, M. Cardin, M. Spurling, K. Braga, R. Wambolt and D. Zahner

Chairman Cardin noted a letter from John Kominski, 121 Stafford Road. She also reviewed the staff comment sheets.

Peter DeMallie, Design Professionals, Inc., came forward to present the application. He reviewed the current site conditions and the proposal. Mr. DeMallie reviewed each variance requested and also reviewed the hardships for the variance requests. He explained that he spoke with Mr. Kominski prior to the start of the hearing and believes that he can address his concerns. Chairman Cardin read Mr. Kominski's letter into the record.

Several citizens expressed concern with the lighting and screening along West Shore Road and access onto West Shore Road. Mr. DeMallie stated that the lighting will be full cut off, if used at all, and that the owner is willing to increase the screening. He also noted that the access to West Shore Road is for emergency vehicles only.

The commissioners expressed their concern with the amount of variances requested. The consensus of the commission was that the applicant could eliminate many of the requests if they reduced the scope of their proposal.

**MOVED (SPURLING), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING FOR #V200509—FWL ENTERPRISES, LLC TO THE JULY 11, 2005 MEETING.**

#### **IV. UNFINISHED BUSINESS:**

1. General Discussion of Zoning Regulations

**TABLED TO THE JULY 11, 2005 MEETING.**

#### **V. NEW BUSINESS: NONE**

#### **VI. ADMINISTRATIVE BUSINESS:**

1. Approval of Meeting Minutes:

a. April 4, 2005 Meeting Minutes

**TABLED TO THE JULY 11, 2005 MEETING.**

b. May 2, 2005 Meeting Minutes

**MOVED (BRAGA), SECONDED (ZAHNER) AND PASSED UNANIMOUSLY TO APPROVE THE MAY 2, 2005 MEETING MINUTES.**

Correspondence:

Letter to Dennis Milanovich from Bruce Hoben, dated 5/6/05 (Scope for Plan of Conservation & Development)

Memo to Land Use Boards from Matt Davis, dated 5/16/05 (Cornerstone Settlements)

Connecticut Federation of Planning & Zoning Agencies, Spring 2005

**SO NOTED.**

**VII. ADJOURNMENT:**

**MOVED (BRAGA), SECONDED (SPURLING) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:33 PM.**

Respectfully Submitted,

Reanna Goodreau  
Recording Secretary